

PATENT

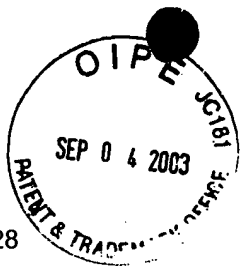
In re Application of:

Serial No.: 09/786,328

Filed: March 2, 2001

For: METHOD FOR PRODUCING A FOAM ELEMENT, ESPECIALLY  
A FORM ELEMENT FOR A PLANE OR VEHICLE SEAT

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



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SEP 19 2003  
TC 1700

Case Docket No.: 41172

AF/1733

Group Art Unit: 1733

Examiner: J. L. Groff

Sir:

Transmitted herewith is a Request for Reconsideration in the above-identified application:

☐ Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established.

☒ No additional claim fee is required.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
				RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	16	- 20 =	0	x 9 =	\$	x 18 =	\$
INDEP	2	- 3 =	0	x 42 =	\$	x 84 =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULT. DEP. CLAIM				+ 130 =	\$	+ 260 =	\$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2				TOTAL	\$	TOTAL	\$

☐ Applicant petitions for an extension of months to respond and submits herewith the fee of.

☐ Please charge my Deposit Account No. 18-2220 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-2220. A duplicate copy of this sheet is attached.

☒ Any additional excess claim fees under 37 C.F.R. § 1.16.

☒ Any additional patent application processing fees under 37 C.F.R. § 1.17.

Dated: Sept 4, 2003

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41172



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KONSTANTINOS POULAKIS

Serial No.: 09/786,328

Filed: March 2, 2001

For: METHOD FOR PRODUCING A FOAM  
ELEMENT, ESPECIALLY A FOAM  
ELEMENT FOR A PLANE OR VEHICLE  
SEAT

PATENT

Art Unit: 1733

Examiner: J. L. Groff

9/10/03  
(N.E.)

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OK to Enter 9/26/03

Sir:

In response to the June 4, 2003 Office Action, reconsideration of the above-identified application is requested on the following grounds.

Claims 12-27 remain pending in this application, with claims 12 and 26 being independent.

Claim 12 covers a method of producing a foam element 1 comprising placing a fleece with a ferromagnetic coating thereon facing and engaging a wall of a foam mold. The coating extends across the entire surface of the fleece facing the foam mold wall. A magnetic field is produced and cooperates with the ferromagnetic coating to hold detachably the fleece in position on the wall of the foam mold. The foam element is molded in the foam mold with the fleece on

the mold wall. The foam mold element is removed from the foam mold with the fleece embedded into a surface of the foam element as a barrier layer.

By forming the foam element in this manner, an efficient and effective production procedure is provided and an improved product is obtained. The ferromagnetic coating securely holds the fleece in place detachably in the mold, while the fleece forms a permanent connection with the molded body due to the fleece structure. Also, the fleece with its ferromagnetic coating provides a protective barrier layer on the foam element. The cited patents, particularly the Banfield patent, do not disclose or render obvious the use of a fleece in this manner.

Claims 12, 18, 21, 22, 26 and 27 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,286,431 to Banfield. The Banfield patent is cited for producing a molded product having a fastener. Apparently, the fastener is interpreted as the fleece recited in the claims. As disclosed in the Banfield patent, the fastener can comprise hooks 2 or loops 3 as illustrated in Figure 1. As illustrated in Figures 11-15, the Banfield fastener is alleged to be coated on one surface with an elastomeric coating 7 in which iron or other magnetic attraction materials can be added, with this coating extending across the entire surface of the fastener 1. The fastener with coating 7 is then placed in the mold with the coating engaging the mold surface. After the foam material is added to the mold, the foam element is then removed from the mold with the embedded fastener.

The Banfield patent only relates to attaching a fastener to a foam element. It does not disclose a method of using a fleece with a ferromagnetic coating that will provide a protective surface for the foam element. The rejection is predicated on the incorrect assumption that the Banfield fastener is a fleece. A fleece is a fabric formed of fibers. The Banfield fasteners, in

contrast, and as illustrated in Fig. 1, include a base 4 with either loops 3 or hooks 2. Nothing in the Banfield patent is cited as disclosing either of these two parts can be a fleece.

The fleece, by its specific construction, is particularly suitable for the present claimed method. The fleece has voids between its adjacent fibers which will readily engage and form a permanent connection with the foam material on one surface, while engaging and providing a permanent connection with the ferromagnetic coating on its opposite surface. The inherently porous fleece, with its connected fibers, is the sole item necessary to provide the connection between the ferromagnetic coating and the foam element. In this manner, the ferromagnetic coating secures the fleece in position during molding and provides a protective coating on the fleece to protect the foam element with the fleece.

The Banfield fasteners are only disclosed as being loops or hooks. The reference to loops is not the equivalent of a fleece. To form its connection with the foam element, the Banfield fastener requires the addition of a backing 6 on base 4 opposite the loops 3 or the hooks 2. No specific disclosure as to the nature of the backing is provided. If the base 4 constituted a fleece, no separate loops 3 and no separate backing 6 would be required. By disclosing separate base 4, set of loops 3 and backing 6, the Banfield patent is distinguished from and teaches away from the use of a fleece in its method. The Banfield patent merely discloses the use of conventionally molded hook and loop fasteners, and does not relate to the use of a fleece in its system.

Moreover, it would not be obvious to use a fleece in the Banfield system. The elastomeric protector 7 is applied to protect the hooks and loops from invasion by the foam material, and then to allow removable of the elastomer protector 7 such that the hook/loop can be used as fasteners. Since there is no indication that the Banfield elastomeric protector 7 would be

removable from a fleece to allow its use as part of a fastener, one of ordinary skill in the art would not find it obvious to substitute a fleece for the Banfield fasteners.

Accordingly, claim 12 is patentably distinguishable over the Banfield patent. None of the other cited patents cure the deficiencies noted above with respect to the Banfield patent.

Claims 13-15, being dependent upon claim 12, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyester of claim 13, the ferromagnetic coating rate of claim 14, the ferromagnetic coating composition of claims 15-17, and the ferromagnetic coating application methods of claims 18-25 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combinations.

Claims 13, 16, 17 and 19 stand rejected as being unpatentable over the Banfield patent. In support of this rejection, it is alleged that the polyester of claim 13, the specific materials of claims 16 and 17, and the method of applying the coating are considered obvious. However, no evidence of such obviousness is provided to establish a prima facie case. Moreover, nothing in the cited patents describes these particular elements as being result effective variables that would be within the ambient of one of ordinary skill in this art.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Banfield patent in view of U.S. Patent No. 5,725,928 to Kenney. The Kenney patent is cited for the use of PET material. In support of the rejection, it is contended that it would be obvious to use the Kenney PET material in the method of the Banfield patent. However, the Kenney patent does not disclose the use of a fleece formed of PET material as claimed.

Claims 20 and 23-25 stand rejected as being unpatentable over the Banfield patent, when further considered in view of U.S. Patent No. 2,909,442 to Persoon and U.S. Patent No. 3,497,411 to Chebiniak. The Persoon patent is cited for applying a ferromagnetic coating to a film and then transferring it. The Chebiniak patent is cited for applying a coating to a transfer carrier substrate, laminating the transfer substrate to the end use substrate and then separating two substrates. In support of the rejection, it is contended that it would be obvious to use the transfer steps of Persoon and Chebiniak patents in the Banfield process. However, neither the Persoon patent nor Chebiniak patent relates to a contact fastener such as in the Banfield patent so that it would not be obvious to combine these patents in the manner proposed in the rejection. Additionally, neither of these two secondary citations relate to the use of applying a coating to a fleece or other fabric.


Claim 26 covers a foam element comprising a foam body of a foam material and a barrier layer on a surface of the body. The barrier layer is a fleece with a ferromagnetic coating on it. The fleece is embedded in the surface of the body. The coating extends entirely across the surface of the fleece.

For the reasons noted above, the Banfield patent, as well as the other cited patents, fails to disclose or render obvious the subject matter of claim 26 in failing to disclose the fleece in the specific combination claimed.

Claim 27, being dependent upon claim 26, is also allowable for the above reasons. Moreover, claim 27 is further distinguished by the ferromagnetic coating being on a surface of the fleece remote from the foam material body.

In view of the foregoing, claims 12-27 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

  
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Dated: 